

IN THE SENATE

SENATE BILL NO. 1119

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO BAIL ACT; AMENDING SECTION 19-2911, IDAHO CODE, TO PROVIDE CONDITIONS AND REQUIREMENTS RELATING TO THE RELEASE OF A DEFENDANT UPON THE POSTING OF A BAIL BOND AND TO PROVIDE A CIRCUMSTANCE IN WHICH THE COURT SHALL SUSPEND CERTAIN AUTHORITY OF A BAIL AGENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2911, Idaho Code, be, and the same is hereby amended to read as follows:

19-2911. RELEASE OF DEFENDANT ON POSTING BAIL. Upon the posting of ~~bail~~ a cash bond or property bond in the amount set by the court, the defendant shall be released from the actual custody of the sheriff. Upon the posting of a bail bond in the amount set by the court, the surety company, through its bail agents or employees, shall charge and collect the premium for executing the bail bond before or at the time of the posting of the bail bond. The defendant shall be released from the actual custody of the sheriff only after the bail agent who executes the bail bond attaches a written affidavit to the bond attesting that the full premium has been collected. Nothing in this section shall preclude a person from obtaining premium financing to facilitate the payment of the full bail bond premium, provided that no bail agent or surety company shall have any financial affiliation with or indemnify or receive any compensation from any premium financier. The court shall suspend a bail agent's authority to execute bail bonds before the court if such bail agent knowingly executes a bail bond for the release of a defendant from custody without collecting the full premium for the bail bond before the defendant is released from custody.